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4 OCT 1976

MEMORANDUM FOR: Chairman, CIA Information Review Committee
FROM :
Chief, Information and Privacy Staff, DDA
SUBJECT : Guidelines for Declassification Review of
1946-1950 Records

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1. Action Requested: Approval of attached guidelines for use by designated Agency personnel in the review of those 1946-1950 records for which the Agency has classification jurisdiction.

2. Background:

a. Designated CIA reviewers have been working since 1973 on the systematic review of World War II records falling under the Agency's classification authority. A body of experience has thereby been developed in the protection of Agency interests and equities in the course of reviewing large quantities of records, both those held by the CIA and those held in various repositories of the National Archives and Records Service.

b. Increasingly, the Agency is faced with requirements to review materials which postdate the 31 December 1945 terminal date of applicability for the guidelines under which the systematic review is now accomplished. All such requests must be sent to the Agency component(s) concerned, for review under the mandatory review provisions of E.O. 11652 (or the Freedom of Information Act or Privacy Act). This action in theory places the decision in the hands of the most informed--a theory not always borne out in fact due to the 25-30 year age of the material--but the end result is a new demand on the resources of the component, and a less-than-even application within the Agency of criteria for the retention of material in classified form.

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c. The Archivist of the United States, by letter of 25 March 1975, asked that guidelines be prepared on the treatment of records of the 1946-1950 period containing information classified by the CIA or predecessor organizations. The CIA response was held off pending development and publication by USIB of model guidelines for the community, an effort which has now been underway more than two years.

3. Staff Position:

a. The Agency moved into the area of systematic review of 30-year-old records with notable caution and reservation. However, experience in this review of World War II materials has demonstrated that a high percentage of material could be declassified by CIA reviewers working under guidelines designed to protect essential intelligence interests and equities. Where particular expertise was required, as in the technical services area, the reviewers have solicited the advice or the temporary assistance of the appropriate experts, but the bulk of the review job has been performed by the designated reviewers (i.e., the annuitant team working under DDO/SS/[] the 2-3 man team of IPS/DDA, and those NARS individuals trained and certified in the use of CIA guidelines).

b. The attached guidelines take account of the experience derived in the review of World War II materials while recognizing the changing circumstances as U.S. intelligence adapted to postwar needs and developed its more permanent character within the U.S. Government. Those presently designated to review the World War II materials did the initial drafting and early coordination of these guidelines and hence are in the best possible position to interpret and apply them in the actual review of the 1946-1950 records.

c. The attached guidelines are based in part on actual review of records from 1946-1950 as performed by the concerned CIA components. These reviews under the mandatory review provision of E.O. 11652, the Freedom of Information Act or the Privacy Act have provided enough sampling to constitute a valid basis for the precedents cited in the guidelines.

d. The long-awaited USIB guidelines, when issued, are intended to apply to any intelligence community material approaching the 30-year mark. In lieu thereof, the only serious question regarding CIA's unilateral action on 30-year review at this time relates to the period beyond 30

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years for which categories of records should remain classified. The attached guidelines propose specific periods, as required by the Executive Order, stating them within the spirit of the Order and related legislation, but leaving to the reviewers the option of "re-review" after the stated interval as an alternative to automatic declassification upon expiration of the period of extended classification.

e. The current practice of copying and sending to the components for review all records dated after 31 December 1945 is wasteful of Agency resources and probably does not insure any better protection of Agency interests and equities than is possible through centralizing the 30-year review function in reviewers vested with authority to act under the attached guidelines.

f. The attached guidelines have been coordinated with the Agency Directorates through their Freedom of Information officers. Both the DDO and the DDI responded with substantive memoranda, included as tabbed items on the left side of the open folder. The following staff comments are offered:

(1) DDO provison on review of DDO records by personnel designated by the DDO: While this in one sense runs counter to the central purpose of the proposed guidelines, i.e., to relieve the components of the need for component review, in another sense it is logical for the DDO to have a strong role in the selection of personnel who will review DDO records. (Note: the DDA is currently devoting 2 man-days per week to the review of WWII records, including DDO records, at National Archives, using the same CIA guidelines as used by DDO personnel on WWII records held by the Agency.)

(2) DDO proviso on review by the State Department of estimative material prior to release: This has not proven necessary on WWII records; concern for foreign relations impact is an integral feature of the classification review responsibility for anyone so assigned. The guidelines' precedent (p. 4) on release of estimative material dated prior to formation of the Office of National Estimates does not relieve the reviewer of detailed review thereof in making a determination of releasability.

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(3) The problem of multiple copies, as raised by both the DDO and the DDI: To the extent that this problem is seen as that of multiple copies within a records group, the problem is one of records management and records destruction rather than records declassification. To the extent that the problem is viewed as one of finding the same document in other records groups, it has been found more cost-effective to provide multiple review than to try to locate all copies of the reviewed document in its multiple locations 30 years after dissemination. Complicating the problem can be handwritten comments and annotations which on occasion have forced a determination of need for continued classification on a document which otherwise could have been declassified and released. (Note: this need for separate review of documents in various records groups has recently been re-asserted by officials of the National Archives in response to a similar suggestion by Navy reviewers.)

(4) DDI suggestion for "softening of the guidance" on handling information or materials from foreign liaison: E.O. 11652 5(B)(1) explicitly exempts from declassification "Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence." If the Agency is at all vulnerable in the courts as to whether information received from a particular liaison service is "properly classified" and hence not releasable under (b)(1) of the Freedom of Information Act, it is in the area of whether we have in fact discussed with the liaison service what is and what is not releasable. While this is a legitimate matter of classification concern, the present guidelines do not represent an appropriate vehicle for resolution of the problem.

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(5) DDI concern over omission from the DCI's "Aspects of Intelligence" of the

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we are sympathetic to this error of omission, we feel that the broader usage intended for "Aspects" merits correction of that document rather than an addition to the guidelines.

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(6) Other amendments proposed by the DDI: Those recommendations having to do with pages 1-2, the first of two on page 3, and the first of two on page 8, have been incorporated into the guidelines without further coordination. The second recommendation on page 3 is undesirable in view of the widespread confusion in understanding of E.O. 11652 Sections 5(B) and 5(E). The movement of personnel in and out of the DDO would argue against the first recommendation on page 7. The second recommendation on that page overlooks the critical factor of confirming what is in the public domain. The second recommendation on page 8 is basically a DDO matter.

4. Recommendations: It is recommended that the Information Review Committee:

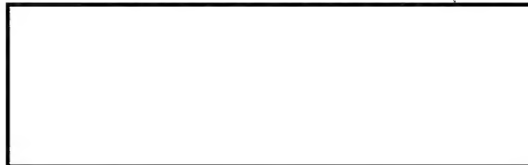
a. approve the attached guidelines for review of 1946-1950 records wherever situate;

b. reassure the DDO of a strong voice in the designation of personnel to be involved in the review of DDO documents;

c. disapprove the proviso for State review of estimative material;

d. disapprove the proposal which would require the location of all copies of a declassified document;

e. set aside those recommendations of the DDI not already incorporated into the guidelines.



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Attachment: as stated

APPROVED: _____ Date _____

DISAPPROVED: _____ Date _____

IPS [redacted] /cb/22 September 1976

Distribution:

- Orig. - DDA (for approval & return to IPS)
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